

REMARKS

Claims 1-69 were pending in this application.

Claims 1-69 have been rejected.

Claims 1-69 have been amended as shown above.

Claims 1-69 remain pending in this application.

Reconsideration and full allowance of Claims 1-69 are respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1-10, 12-14, 17-20, 24-38, 40, 44, 45, 47-57, 60, 61, and 64-69 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,379,058 to Petteruti et al. ("*Petteruti*") in view of Mettala, "Bluetooth Protocol Architecture" ("*Mettala*"). The Office Action rejects Claims 11 and 39 under 35 U.S.C. § 103 as being unpatentable over *Petteruti* and *Mettala* in view of U.S. Patent No. 5,129,639 to Dehority ("*Dehority*"). The Office Action rejects Claims 15, 16, 41-43, 58, and 59 under 35 U.S.C. § 103 as being unpatentable over *Petteruti* and *Mettala* in view of U.S. Patent No. 5,682,379 to Mahany et al. ("*Mahany*"). The Office Action rejects Claims 21-23, 46, 62, and 63 under 35 U.S.C. § 103 as being unpatentable over *Petteruti* and *Mettala* in view of U.S. Patent No. 6,163,538 to Brown et al. ("*Brown*"). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (*Fed. Cir.* 1992)). The initial burden of establishing a *prima*

facie basis to deny patentability to a claimed invention is always upon the Patent Office. (MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the Applicant to produce evidence of nonobviousness. (MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the Applicant is entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993)). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the Applicant's disclosure. (MPEP § 2142).

Petteruti recites a system for RF communications between a host and a printer using RF signal transmissions. (*Abstract*). The host can identify a printer using different techniques, such as optically scanning a bar code on the printer, receiving an identification of the printer in an RF signal, or allowing a user to manually type an identification of the printer. (*Col. 5, Lines 45 – Col. 6, Line 1*). The host then sends a wake up packet to the printer, and the printer responds with a ready packet. (*Col. 6, Lines 10-20*). After that, the host sends a force link packet to the printer, and the printer responds with an accept link packet. (*Col. 6, Lines 20-23*). This initializes a link between the host and the printer, and the host may transmit data to the printer for printing in data packets. (*Col. 6, Lines 43-48*).

First, *Petteruti* recites a system where a printer and a host communicate over an RF transmission medium. *Petteruti* lacks any mention that the host includes a “printer client” and the printer includes a “printer server.” In particular, *Petteruti* lacks any mention of establishing multiple connections, namely an ACL connection between a processing unit and a printer and a connection for one or more print jobs between a printer client and a printer server. As a result, *Petteruti* fails to anticipate a “printer client” in a “processing unit” and a “printer server” in a “printer,” where a connection is established, configuration parameters are negotiated, and keep alive messages are sent between the printer client and the printer server as recited in Claim 1.

Second, *Petteruti* lacks any mention of transmitting messages between the printer and the host that are used to identify whether the link remains established. In particular, *Petteruti* lacks any mention of repeatedly transmitting keep alive messages that are used to determine whether a connection between a printer client and a printer server remains established. As a result,

Petteruti fails to anticipate “keep alive messages” that are sent from a printer client to a printer server and from the printer server to the printer client, where the keep alive messages identify “whether the connection between the printer client and the printer server remains established” as recited in Claim 1.

Mettala is cited by the Office Action only as allegedly disclosing the use of a “Bluetooth protocol stack including a Link Control and Adaptation Protocol (L2CAP) that allows an asynchronous connection-less (ACL) connection.” (*Office Action, Page 3*). *Mettala* is not cited by the Office Action as disclosing, teaching, or suggesting any other elements of Claim 1, including the elements noted above.

As a result, the Office Action has not established that the proposed *Petteruti-Mettala* combination discloses, teaches, or suggests all elements of Claim 1 (and its dependent claims). For similar reasons, the Office Action has not established that the proposed *Petteruti-Mettala* combination discloses, teaches, or suggests all elements of Claims 35, 53, and 69 (and their dependent claims).

For these reasons, the Office Action has not established a *prima facie* case of obviousness against Claims 1-69. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection and full allowance of Claims 1-69.

II. CONCLUSION

The Applicant respectfully asserts that all pending claims in this application are in condition for allowance and respectfully requests full allowance of the claims.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *fhamilton@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fee) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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